

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Goodman Resources LTD; Audrey T. Coll
OBJECTOR: Goodman Resources LTD
NOTICE OF INTENT TO APPEAR: Mountain Sky Guest
Ranch, LLC

CASE 43B-1031-R-2021
43B 143284-00
43B 143285-00
43B 143287-00
43B 195183-00
43B 30159529
43B 30159530

**ORDER CORRECTING ABSTRACTS
AND
ORDER ADOPTING MASTER'S REPORT**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 43B-1031-R-2021 was assigned to Water Master Anika M. Stern. The Water Master filed a Report containing Findings of Fact and Conclusions of Law on April 3, 2023. On April 6, 2023, the Mountain Sky Guest Ranch, LLC (Mountain Sky) filed its Request for Corrections to Clerical Errors in Master's Report (Request for Correction). The Request for Correction identifies clerical errors on Post Decree Abstracts attached to the Master's Report.

Goodman Resources, LTD. was erroneously removed as a co-owner of claim 43B 143287-00. Goodman Resources, LTD. has been added back as a co-owner of claim 143287-00.

Child claim 43B 30159530 includes a split claim remark. The Post Decree Abstract attached to the Master's Report included the following remark:

SPLIT CLAIM NO. 43B 30159530 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

The remark should reference parent claim 43B 143285-00:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43B 143285-00.

The correction has been made.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report.

Post Decree Abstracts are served with this Order to confirm that the Recommendations set forth in the Master's Report, with the corrections noted in this Order pertaining to claims 43B 143287-00 and 43B 30159530, have been adopted for the claims in this Case.

ELECTRONICALLY SIGNED AND DATED BELOW.

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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143284-00 STATEMENT OF CLAIM
Version: 4 -- POST DECREE
Status: ACTIVE

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

Priority Date: JUNE 30, 1900

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

Flow Rate: 1.10 CFS
THE FLOW RATE IS MEASURED AT THE SECONDARY POINT OF DIVERSION IN THE SESESW OF SECTION 7, T6S, R8E.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 44.00

***Source Name:** BIG CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 - SECONDARY		SESESW	7	6S	8E	PARK
Period of Diversion:	APRIL 1 TO OCTOBER 1					
Diversion Means:	DITCH					
2		NWNENW	22	6S	7E	PARK
Period of Diversion:	APRIL 1 TO OCTOBER 1					
Diversion Means:	HEADGATE					
Ditch Name:	MUTUAL DITCH					

POINT OF DIVERSION 01 IS A SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	44.00		SESE	7	6S	8E	PARK
Total:	44.00						

Remarks:

SPLIT CLAIM NO. 43B 30159529 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT CONTAINED IN THE STIPULATION FILED 05/12/1995 AND LOCATED IN THE MASTER'S REPORT IN THE CASE OR CLAIM FILE.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143285-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

Priority Date: MAY 1, 1919

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.67 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 44.00

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

2 - SECONDARY		SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	44.00		SESE	7	6S	8E	PARK

Total: 44.00

Remarks:

SPLIT CLAIM NO. 43B 30159530 WAS AUTHORIZED AND GENERATED BASED ON INFORMATION IN THIS CLAIM.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 143287-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

AUDREY T COLL
12140 SW 101 AVE
MIAMI, FL 33176 4869

Priority Date: JUNE 1, 1890

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: YELLOWSTONE RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SE	7	6S	8E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SE	7	6S	8E	PARK

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 195183-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Priority Date: JUNE 30, 1899

Type of Historical Right: DECREED

Purpose (use): IRRIGATION
Irrigation Type: FLOOD

***Flow Rate:** 1.08 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 22.00

***Source Name:** BIG CREEK
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

2 - SECONDARY		SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 31

Diversion Means: DITCH

POINT OF DIVERSION NO. 02 IS SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE CAUSE NO. 3025, PARK COUNTY.

Period of Use: APRIL 1 TO OCTOBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.50		SESESW	7	6S	8E	PARK
2	20.50		N2NE	18	6S	8E	PARK

Total: 22.00

THE PLACE OF USE IS WITHIN TRACT 2 OF CERTIFICATE OF SURVEY NO. 150 , PARK COUNTY.

Remarks:

THIS CLAIM IS SUBJECT TO A PRIVATE AGREEMENT CONTAINED IN THE STIPULATION FILED 05/11/1995
LOCATED IN THE MASTER'S REPORT IN THE CLAIM FILE.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 30159529 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Priority Date: JUNE 30, 1900

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 403.92 GPM

THE FLOW RATE IS MEASURED AT THE SECONDARY POINT OF DIVERSION IN THE SESESW OF SECTION 7, T6S, R8E.

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 36.00

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1 - SECONDARY		SESESW	7	6S	8E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: DITCH

2		NWNENW	22	6S	7E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

POINT OF DIVERSION 01 IS A SECONDARY DITCH OFF OF THE MUTUAL DITCH, AT THE PLACE OF USE, WHERE THE FLOW RATE IS MEASURED PURSUANT TO THE BIG CREEK DECREE, CAUSE NO. 3028, PARK COUNTY.

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36.00		SWSE	7	6S	8E	PARK

Total: 36.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43B 143284-00.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 30159530 STATEMENT OF CLAIM

Version: 1 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: GOODMAN RESOURCES LTD
997 FM 2288
SAN ANGELO, TX 76901

Priority Date: MAY 1, 1919

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.36 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

Maximum Acres: 36.00

Source Name: BIG CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNENW	22	6S	7E	PARK

Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Ditch Name: MUTUAL DITCH

2 - SECONDARY		SESESW	7	6S	8E	PARK
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Period of Diversion: APRIL 1 TO OCTOBER 1

Diversion Means: HEADGATE

Period of Use: APRIL 1 TO OCTOBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	36.00		SWSE	7	6S	8E	PARK

Total: 36.00

Remarks:

THIS SPLIT CLAIM WAS AUTHORIZED BY THE WATER COURT BASED ON INFORMATION IN CLAIM NO. 43B 143285-00.